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JC560 U.S. PTO
12/10/98

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Attorney Docket P1256R3

PATENT

JC540 U.S. PTO
09/209023

12/10/98

CERTIFICATION UNDER 37 CFR 1.10

EM 168 882 142 US: Express Mail Number

December 10, 1998: Date of Deposit

I hereby certify that this Non-provisional Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.

Ann Savelli

Ann Savelli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

Assistant Commissioner of Patents
Washington, D.C. 20231

NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

Virginia E. Paton
Steven Shak

Title: TREATMENT WITH ANTI-ErbB2 ANTIBODIES

1. Type of Application

[] This application is for an original, non-provisional application.

[x] This is a non-provisional application claiming priority to provisional application no. 60/069,346, filed December 12, 1997, the entire disclosure of which is hereby incorporated by reference.

[] This is a [] continuation-in-part [] continuation [] divisional application claiming priority to application Serial Number __, filed __, the entire disclosure of which is hereby incorporated by reference.

2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)
(Non-provisional)

48 pages of specification

4 pages of claims

1 page(s) of abstract

2 sheet(s) of drawings

[x] formal [] informal

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3. Declaration or Oath

(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)

☒ An unexecuted declaration of the inventors is enclosed. An executed declaration of the inventors will follow.

(for Cont./Div. where inventorship is the same or inventor(s) being deleted)

☐ A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

(for Cont./Div. where inventor(s) being deleted)

☐ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. Assignment

(for new and CIP applications)

☒ An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [x] will follow.

(for cont./div.)

☐ The prior application is assigned of record to Genentech, Inc.

5. Amendments (for continuation and divisional applications)

☐ Cancel in this application original claims ___ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

Relate Back -- 35 U.S.C. 120 or 35 U.S.C. 119

☐ Amend the specification by inserting before the first line the sentence:

--This is a

☐ non-provisional application

☐ continuation

☐ divisional

☐ continuation-in-part

of co-pending application(s)

☐ Serial No. _ filed on __, which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed under 35 USC §120. --

☐ International Application _ filed on __ which designated the U.S., which application(s) is(are) incorporated herein by reference and to which application(s) priority is claimed

09209033-121098

under 35 USC § 120.--

_____ provisional application No. _ filed _ the entire disclosure of which is hereby incorporated by reference and to which application(s) priority is claimed under 35 USC § 119.--.

6. Fee Calculation (37 CFR 1.16)

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$760.00
Total Claims	33	- 20 =	13	X \$18.00	\$234.00
Independent Claims	4	- 3 =	1	X \$78.00	\$78.00
_____ Multiple dependent claim(s), if any				+ \$260.00	\$0.00
Filing Fee Calculation					\$1,072.00

7. Method of Payment of Fees

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$1,072.00. **A duplicate copy of this transmittal is enclosed.**

8. Authorization to Charge Additional Fees

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR § 1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this sheet is enclosed.**

9. Additional Papers Enclosed

- ☐ Information Disclosure Statement (37 CFR § 1.98) w/ PTO-1449 and citations
- ☒ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- ☐ A new Power of Attorney or authorization of agent.
- ☐ Other:

10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)
[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- _____ A petition, fee and/or response has been filed to extend the term in the pending prior application until _____
- _____ A copy of the petition for extension of time in the **prior** application is attached.


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11. **C rrespondence Address:**

X Address all future communications to:

GENENTECH, INC.
Attn: Wendy M. Lee
1 DNA Way
South San Francisco, CA 94080-4990
(650) 225-1994

Respectfully submitted,
GENENTECH, INC.

By: 
Wendy M. Lee
Reg. No. 40,378

Date: December 10, 1998

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